

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TRAYVON LEONARD,

Plaintiff,

v.

DIAZ, et al.,

Defendants.

No. 1:22-cv-00381-KES-BAM (PC)

ORDER ADOPTING IN PART FINDINGS  
AND RECOMMENDATIONS

(Doc. 24)

Plaintiff Trayvon Leonard is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2025, the assigned magistrate judge screened the complaint and found that it failed to state a cognizable claim. Doc. 23. Plaintiff was granted leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. *Id.* Plaintiff was warned that failure to comply with the Court's order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. *Id.* On November 13, 2025, following plaintiff's failure to file an amended complaint or otherwise communicate with the Court, the magistrate judge issued findings and recommendations to dismiss this action, with prejudice, for failure to state a claim, failure to obey a court order, and failure to prosecute. Doc. 24. The findings and recommendations were served on plaintiff and

1 contained notice that any objections thereto were to be filed within fourteen days after service.  
2 *Id.* at 24. Plaintiff has not filed objections to the findings and recommendations or otherwise  
3 communicated with the Court.

4 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of  
5 the case. The October 10, 2025 screening order found that plaintiff's complaint failed to state a  
6 claim, and it granted plaintiff leave to file a first amended complaint. Doc. 23 at 7. After plaintiff  
7 failed to file an amended complaint or otherwise to respond the screening order, the magistrate  
8 judge recommended that the action be dismissed based on plaintiff's failure to state a claim,  
9 failure to obey a court order, and failure to prosecute. The finding that the initial complaint fails  
10 to state a claim is supported by the record and by proper analysis. Accordingly, plaintiff's  
11 complaint is dismissed for failure to state a claim.

12 As the October 10, 2025 screening order identified the deficiencies in plaintiff's complaint  
13 and granted leave for plaintiff to file a first amended complaint, *see* Doc. 23, and plaintiff did not  
14 thereafter file an amended complaint, and as plaintiff has not filed any objections to the  
15 November 13, 2025 findings and recommendations, the Court finds that granting plaintiff further  
16 leave to amend would be futile.

17 Accordingly:

- 18 1. The findings and recommendations issued on November 13, 2025, Doc. 24, are adopted as  
19 set forth above;
- 20 2. Plaintiff's complaint is dismissed;
- 21 3. This action is dismissed with prejudice due to plaintiff's failure to state a claim; and
- 22 4. The Clerk of the Court is directed to close this case.

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25 IT IS SO ORDERED.

26 Dated: December 5, 2025

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UNITED STATES DISTRICT JUDGE